STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission On Its Own Motion

T10-0165

V.

Dakota, Minnesota & Eastern Railroad Corporation.

Citation with respect to Dakota, Minnesota & Eastern Railroad Corporation's failure to maintain the Pacific Street (AAR/DOT #372 327Y, railroad milepost 75.28-C) and the Fivepoints Road (AAR/DOT #372 296C, railroad milepost 62.72-C) highway-rail grade crossing surfaces in accordance with the requirements of 92 III. Adm. Code Part 1535.203.

NOTICE OF FILING

TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that a Staff's Proposed Order in the above entitled matter has been filed with the Illinois Commerce Commission this 8th day of December, 2010. In addition, a copy of the aforementioned document has been sent to all parties of record.

John Saladino Railroad Safety Specialist Illinois Commerce Commission 527 E. Capitol Avenue Springfield, IL 62701 Telephone (217) 785-8423 jsaladino@icc.illinois.gov

A copy of this response was sent to the following parties via US Mail:

Beth A. Lynn Engineering Department DM & E 140 N. Phillips Sioux Falls, SD 57104